

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 GS HOLISTIC, LLC,

CASE NO. C23-0398JLR

11 Plaintiff,

ORDER

12 v.

13 GRANITE VAPE LLC, et al.,

14 Defendants.

15 Before the court is Plaintiff GS Holistic, LLC’s (“GS Holistic”) second motion for
16 an extension of time to perfect service on Defendants Granite Vape LLC, Brian Snow,
17 Rahn Burns, Amir Rai, and Jonathan Stephani (together, “Defendants”). (Mot. (Dkt.
18 # 11); *see* 6/15/23 Order (Dkt. # 10) (finding that GS Holistic had not demonstrated good
19 cause for its failure to serve Defendants before the 90-day deadline set forth in Federal
20 Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service
21 deadline).) The court GRANTS in part GS Holistic’s motion.

22 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

1 summons and a copy of the complaint and sets forth the specific requirements for doing
2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the
5 court—on motion or on its own after notice to the plaintiff—must dismiss
6 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

7 *Id.*

8 GS Holistic filed this action on March 16, 2023. (Compl. (Dkt. # 1).) As a result,
9 Rule 4(m)'s 90-day deadline for effectuating service of process expired on June 14, 2023.
10 Fed. R. Civ. P. 4(m). On June 15, 2023, the court granted GS Holistic's first motion for a
11 60-day extension of the deadline to serve Defendants Brian Snow, Rahn Burns, Amir Rai,
12 and Jonathan Stephani, despite finding that GS Holistic had not demonstrated good cause
13 for its failure to effectuate service before the Rule 4(m) deadline. (6/15/23 Order at 2-3.)
14 The court ordered GS Holistic to file proof of service on these Defendants by no later
15 than August 13, 2023, and warned GS Holistic that (1) failure to do so could result in
16 dismissal without prejudice of its claims against those Defendants and (2) further
17 extensions of the deadline to serve those Defendants would not be granted absent
18 exceptional circumstances. (*Id.* at 2-3.) The court did not, however, grant an extension
19 of the deadline to serve Granite Vape, LLC, because GS Holistic had represented in its
20 first motion for an extension of time to perfect service that it had served Granite Vape,
21 LLC on May 24, 2023. (*See* 1st Mot. (Dkt. # 9) ¶ 2; 6/15/23 Order at 2-3.)

1 Despite the 60-day extension of the Rule 4(m) deadline, and despite its earlier
2 representation that it had already served Granite Vape, LLC, GS Holistic has not yet
3 served any of the Defendants. (*See Mot.*). GS Holistic represents that it provided new
4 addresses for Defendants to its process server on July 6, 2023, but it is “now having
5 difficulties getting updates from its Process Server.” (*Id.* ¶¶ 3-5; *see Ex. A* (email thread
6 between GS Holistic’s corporate counsel’s staff and its process server).) GS Holistic
7 further states that it “located another Process Server company and requested rush
8 service.” (*Id.* ¶ 6.) On one of the service attempts, the process server learned that Mr.
9 Rai had moved out of the country six months ago. (*Id.* ¶ 7.) GS Holistic has been trying
10 to find a new address for Mr. Rai but has been unsuccessful. (*Id.*) GS Holistic now asks
11 the court to extend the Rule 4(m) deadline by an additional 60 days to allow it to perfect
12 service on Defendants “either personally or by publication.” (*Id.* ¶ 8.)

13 The court has reviewed the materials that GS Holistic filed in support of its second
14 motion for an extension of time to perfect service and concludes that GS Holistic has not
15 established exceptional circumstances, let alone good cause, that would justify a further
16 extension of time. (*See* 6/15/23 Order); Fed. R. Civ. P. 4(m). In particular, the court
17 notes that GS Holistic has not provided any substantiation of its efforts to serve Mr. Rai,
18 such as declarations of non-service. (*See generally Mot.*) In addition, GS Holistic says
19 nothing about its efforts to serve any of the other Defendants. (*Id.*) This lack of
20 substantiation prevents the court from evaluating the efforts GS Holistic has made to
21 serve Defendants since the court issued its June 15, 2023 order. Nevertheless, the court
22 will GRANT in part GS Holistic’s motion (Dkt. # 11) and extend the deadline for GS

1 Holistic to perfect service on Defendants for an additional **30** days. GS Holistic shall file
2 proof of service on Defendants by no later than **September 12, 2023**. This order does not
3 grant GS Holistic leave to serve Defendants by publication or by any other means.
4 Failure to timely file proof of service will result in the dismissal without prejudice of GS
5 Holistic's claims against Defendants. No further extensions of the deadline to serve
6 Defendants will be granted.

7 Dated this 21st day of August, 2023.

8
9
10 JAMES L. ROBART
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22

